

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	Civil Action No.:
JOANNE NOEL HIGGINS,	:	21-cv-04203-LJL
	:	
<i>Plaintiff,</i>	:	
	:	
- against -	:	NOTICE OF MOTION TO
	:	<u>DISMISS UNDER FRCP 41(b)</u>
120 RIVERSIDE BOULEVARD AT TRUMP PLACE	:	
CONDOMINIUM, THE BOARD OF MANAGERS OF	:	
120 RIVERSIDE BOULEVARD AT TRUMP PLACE	:	
CONDOMINIUM, MICHAEL RITCHKEN,	:	
INDIVIDUALLY AND AS PRESIDENT OF	:	
THE BOARD OF MANAGERS OF 120 RIVERSIDE	:	
BOULEVARD AT TRUMP PLACE CONDOMINIUM,	:	
AKAM ASSOCIATES, INC., and RONALD STARCIC,	:	
	:	
<i>Defendants.</i>	:	
-----X	:	

PLEASE TAKE NOTICE, that upon the Declaration of Arthur Xanthos, sworn to the 5th day of April 2023, the Memorandum of Law in Support of Motion to Dismiss, dated April 5, 2023 and upon all the papers and proceeding had herein, Defendants 120 Riverside Boulevard at Trump Place Condominium, The Board of Managers of 120 Riverside Boulevard at Trump Place Condominium, Michael Ritchken, individually and as President of the Board of Managers of 120 Riverside Boulevard at Trump Place Condominium, AKAM Associates, Inc., and Ronald Starcic (collectively, "Condominium Defendants") will move this Court, before the Honorable Lewis J. Liman, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York 10007 on May 10, 2023, or a date and at a time to be designated by the Court, for an Order dismissing the Complaint as to the Condominium Defendants pursuant to Federal Rule of Civil Procedure 41(b), together with costs pursuant to FRCP 54(d)(1), and such other, further and different relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to instructions given by this Court on March 15, 2023, Plaintiffs' opposition papers must be filed by April 28, 2023, and Defendants' reply must be filed by May 5, 2023.

Dated: New York, New York
April 5, 2023

Respectfully Submitted,

GARTNER + BLOOM, P.C.

By: /s/ Arthur P. Xanthos
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